

September 29, 2006



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14404

EXPIRATION DATE: October 15, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Miller Transporters, Inc.
Jackson, MS
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the one-time, one-way transportation in commerce of Hydrofluoric acid in an MC-312 cargo tank motor vehicle that may no longer meet the DOT specification due to certain modifications that were made to the cargo tank. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.243(b) in that the required MC 312 cargo tank motor vehicle may not meet the DOT specification due to modifications that were made to the vehicle.
5. BASIS: This emergency special permit is based on the application of Miller Transporters, Inc., dated September 26, 2006, submitted in accordance with § 107.117 and a determination that it is necessary to protect life and the environment.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hydrofluoric acid, <i>with more than 60 percent strength</i>	8	UN1790	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - The packaging is a cargo tank motor vehicle (VIN 1PMC44127E2006653) that was built to the MC-312 specification; however, due to certain sub-standard modifications that were made to the vehicle, it no longer meets the MC-312 specification. The modifications involved the addition of piping and valves used for loading and unloading, which may have compromised the overturn (roll-over) and rear-end protection of the motor vehicle.

b. OPERATIONAL CONTROLS:

(1) The driver of the motor vehicle must be specifically trained in the hazards associated with the hazardous material being transported and be knowledgeable in the appropriate emergency response procedures.

(2) The driver of the motor vehicle must have the capability to contact the plant and appropriate emergency response organizations in the event of an accident or an emergency involving the hazardous material being transported.

(3) This special permit only authorizes the one-time one-way shipment of the cargo tank described above (Paragraph 7.a.) by and from the Miller Transporters facility in Channelview, TX to the U.S./Mexico border in Brownsville, TX. The cargo tank will then be exported across the border to proceed back to the original filler/shipper for inspection and unloading.

8. SPECIAL PROVISIONS:

a. A current copy of this special permit must be maintained at the facility where the package is offered for transportation.

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- b. The shipping paper and cargo tank must be marked "DOT-SP 14404" in accordance with § 172.203(a) and § 172.302(c).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard the motor vehicle used to transport the hazardous material covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

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12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety -- OHMSPA, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:

A handwritten signature in blue ink, appearing to read "R. Ryan Porter", is written over a faint, circular official stamp.

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: AM